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PATENT
Patent App. Ser. No. 10/578,739
The Eclipse Group Docket No. LJN09001USU (5969-101)

REMARKS

Claims 78-105 are pending in this application. In an Office Action dated May 21, 2010, the Examiner objected to the Information Disclosure Statement filed on February 19, 2010 under 37 C.F.R. 1.98(a)(2) for failing to include a legible copy of each cited foreign reference. The Applicant includes herewith copies of those references and respectfully requests that the Examiner consider the references listed in the enclosed PTO-1449 form.

In addition, the Examiner rejected the pending claims as being obvious in view of U.S. Patent No. 5,963,557 and one or more of US 2003/0143946 and U.S. Patent No. 5,625,628. The Applicant respectfully traverses the rejections to the claims. As appreciated by the Examiner, the '557 patent does not teach or suggest processing the request queue update message to update a master request queue in the headend control computer, as called for in independent claims 78 and 102. The '946 application does not cure the defects of the '557 patent. In particular, there is no teaching or suggestion in the '946 application to a request queue update message, and thus, the need to process such a message to update a master queue in a headend control computer. In fact, the only teaching in the '946 application at Paragraphs 3 and 5, cited by the Examiner, is to sending unsolicited configuration messages to update a record in the headend controller for a set-top box, which has no relationship to the master request queue as claimed.

As recited in the claims, the request queue update message is processed to update the master queue in the headend controller. This is fundamentally different from using the scheme of the '557 patent with the unsolicited control messages of the '946 application to update a record of a set-top box in a headend controller. In fact, the '946 patent is completely silent concerning time interval requests that form the request queue update message and the existence of a master queue in the headend controller. This is because there is no need for interval requests

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in the '946 application. To combine the '557 patent with the '946 application to achieve what is set forth in claims 78 and 102 would be an impermissible hindsight reconstruction. Further, one of ordinary skill in the art would not be motivated in any way to combine the scheme of the '557 patent with what is disclosed in the '946 application. The '628 admittedly does not cure the defects of the '946 application or the '557 patent.

Accordingly, the Applicant respectfully submits none of the cited references, alone or in combination, render obvious the pending claims. In addition, the Applicant notes that the dependant claims are also allowable for additional reasons beyond what is recited in the independent claims. For example,

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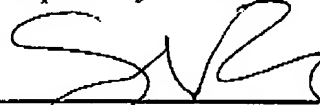
The Eclipse Group Docket No. L1N09001USU (5969-101)

CONCLUSION

In view of the foregoing discussion and remarks, Applicants respectfully submit that the claims as now presented are in a condition for allowance, for which action is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,



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